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9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,)
12) No. CR 09-00869 DLJ
13 Plaintiff,)
14 v.) STIPULATION AND ORDER
15) CONTINUING STATUS HEARING
16) AND EXCLUSION OF TIME
17 GERMAN PACHECO,)
Defendant.)

18 **STIPULATION**

19 IT IS HEREBY STIPULATED, by and between the parties, that the status date in this case,
20 currently scheduled for Friday, December 11, 2009, at 9:00 a.m. before Honorable D. Lowell Jensen,
21 may be continued to Friday, December 18, 2009, at 9:00 a.m. for status or change of plea. The
22 reason is that defense counsel needs time to meet with Mr. Pacheco to review additional discovery
23 and a plea agreement with the assistance of an interpreter. The parties stipulate that the time from
24 December 11, 2009, to December 18, 2009 should be excluded in accordance with the provisions of
25 the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv) for adequate preparation of counsel to
26

1 allow defense counsel to review the information with Mr. Pacheco.

2 DATED: 12/04/09

/s/

JOYCE LEAVITT

Assistant Federal Public Defender

4 DATED: 12/04/09

/s/

WADE RHYNE

Assistant United States Attorney

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7 I hereby attest that I have on file all holographed signatures for any signatures indicated by a
8 conformed signature (/s/) within this e-filed document.

9 **ORDER**

10 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the status date in this case,
11 scheduled for Friday, December 11, 2009, at 9:00 a.m. before Honorable D. Lowell Jensen, may be
12 continued one week to Friday, December 18, 2009, at 9:00 a.m. for status or change of plea.

13 IT IS FURTHER ORDERED that the time from December 11, 2009, to December 18, 2009
14 should be excluded in accordance with the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and
15 (B)(iv) for adequate preparation of counsel to allow counsel to review the additional information and
16 plea agreement with Mr. Pacheco. The Court finds that the ends of justice served by the granting of
17 the continuance outweigh the best interests of the public and the defendant in a speedy and public
18 trial and the failure to grant the requested continuance would unreasonably deny counsel the
19 reasonable time necessary for effective preparation, taking into account due diligence.
20

21 SO ORDERED.

22 DATED: December 10, 2009



HONORABLE D. LOWELL JENSEN

United States District Judge